

# UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America

v.

YULIAN CARILLO-TAMAYO, a/k/a "Frank"

Date of Original Judgment: 2/28/13

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

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Case No: 5:12-563-002-MBS

USM No: 24280-171

Pro Se

Defendant's Attorney

## ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

(Complete Parts I and II of Page 2 when motion is granted)

(1) Amendment 750 does not apply because the defendant was sentenced for attempting to possess with intent to distribute and to distribute powder cocaine, and not cocaine base; (2) Amendment 759 does not apply because it is not retroactively applicable; (3) Amendment 782 does not apply because the defendant received the benefit of a variance under 18 U.S.C. 3553(a) at sentencing.

Except as otherwise provided, all provisions of the judgment dated 2/28/13 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: August 18, 2017

/s/ Margaret B. Seymour

*Judge's signature*

Effective Date: \_\_\_\_\_  
(if different from order date)

Margaret B. Seymour, Senior United States District Judge

*Printed name and title*